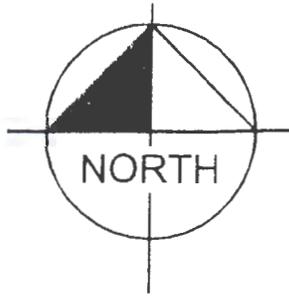


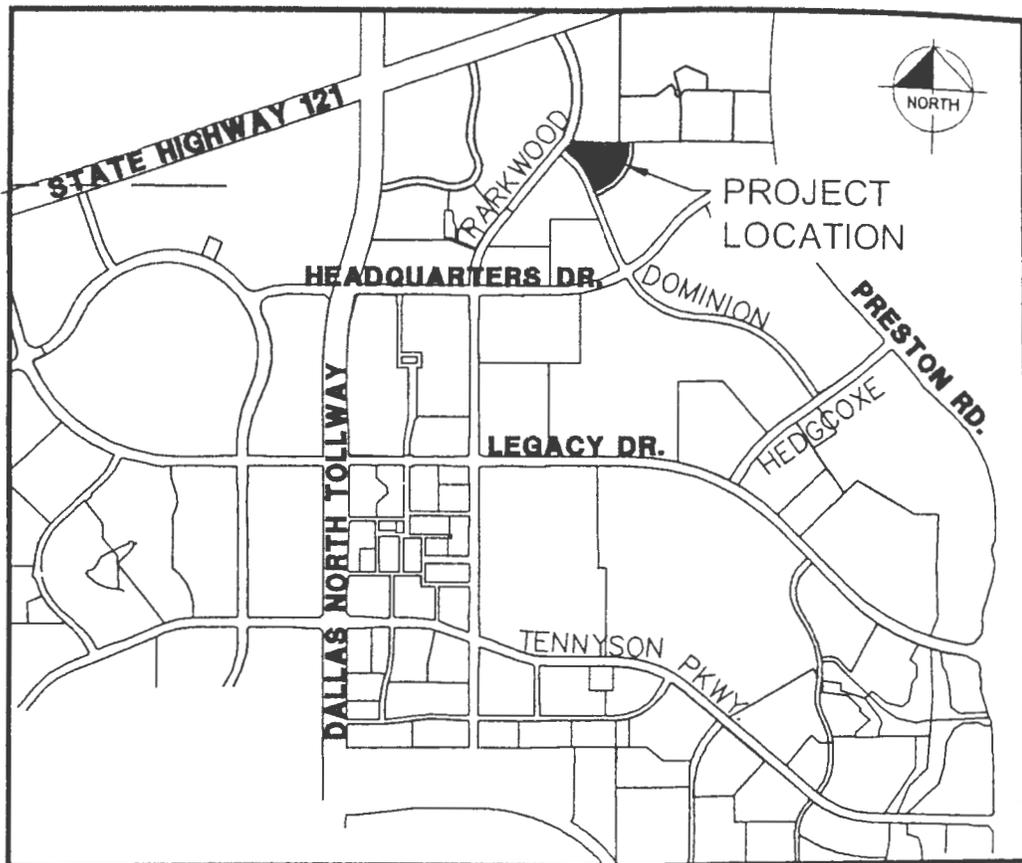
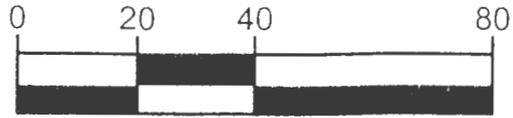


**CITY OF PLANO  
COUNCIL AGENDA ITEM**

<b>CITY SECRETARY'S USE ONLY</b>				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		08/12/13		
Department:		Engineering		
Department Head:		Gerald P. Cosgrove, P.E.		
Agenda Coordinator (include phone #): <b>Kathleen Schonne (7198)</b>				<b>Project No. 6330</b>
<b>CAPTION</b>				
<p>An Ordinance of the City of Plano, Texas, abandoning all right, title and interest of the City, in and to part of that certain Drainage Easement recorded in Instrument No. 20060719001009210 of the Land Records of Collin County, Texas, and being situated in the Samuel Brown Survey, Abstract No. 108, which is located within the city limits of Plano, Collin County, Texas; quitclaiming all right, title and interest of the City in such easement to the abutting property owner, West Plano Land Company, L.P., to the extent of its interest; authorizing the City Manager or his authorized designee to execute any documents deemed necessary; and providing an effective date.</p>				
<b>FINANCIAL SUMMARY</b>				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR: <b>2012-13</b>	<b>Prior Year (CIP Only)</b>	<b>Current Year</b>	<b>Future Years</b>	<b>TOTALS</b>
Budget	0	0	0	<b>0</b>
Encumbered/Expended Amount	0	0	0	<b>0</b>
This Item	0	0	0	<b>0</b>
<b>BALANCE</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>FUND(s): GENERAL FUND</b>				
<b>COMMENTS:</b> This item has no financial impact.				
STRATEGIC PLAN GOAL: Abandoning all right, title and interest of the City to this easement relates to the City's Goal of Financially Strong City with Service Excellence.				
<b>SUMMARY OF ITEM</b>				
The existing easement is being replaced by another easement and the City of Plano no longer needs the existing easement.				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		
Location Map		N/A		
Ordinance				
Exhibit A				
Exhibit B				



GRAPHIC SCALE IN FEET



VICINITY MAP

N.T.S.

**An Ordinance of the City of Plano, Texas, abandoning all right, title and interest of the City, in and to part of that certain Drainage Easement recorded in Instrument No. 20060719001009210 of the Land Records of Collin County, Texas, and being situated in the Samuel Brown Survey, Abstract No. 108, which is located within the city limits of Plano, Collin County, Texas; quitclaiming all right, title and interest of the City in such easement to the abutting property owner, West Plano Land Company, L.P., to the extent of its interest; authorizing the City Manager or his authorized designee to execute any documents deemed necessary; and providing an effective date.**

**WHEREAS**, the City Council of the City of Plano has been requested to abandon all right, title and interest of the City in that certain Drainage Easement recorded in Instrument No. 20060719001009210 Land Records of Collin County, Texas and being situated in the Samuel Brown Survey, Abstract No. 108, which is located within the city limits of Plano, Collin County, Texas, and which is more particularly described in Exhibit "A" attached hereto and incorporated herein by reference; and

**WHEREAS**, the Property Owner has filed with the City a Petition for Abandonment, a copy of which is attached hereto as Exhibit "B" and made a part hereof by reference; and

**WHEREAS**, the Engineering Department as determined that there will be no detrimental effect on the City of the Easement is abandoned and quitclaimed to the abutting Property Owner; and has advised that the Easement should be abandoned;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, THAT:**

**Section I.** All the right, title and interest of the City of Plano, Texas, in and to the Easement is hereby abandoned, and all right, title and interest of the City in and to the Easement is quitclaimed to the abutting Property Owner in accordance with its respective interest. A certified copy of this Ordinance may be recorded in the Collin County Land Records to reflect this abandonment and quitclaim. The City Manager or his authorized designee is hereby authorized to execute on behalf of the City of Plano, Texas, any instruments necessary to complete the abandonment and quitclaim of the Easement by the City of Plano.

**Section II.** The abandonment and quitclaim is without prejudice to any and all improvements, facilities, equipment or lines of any public utility, municipal or otherwise, if any, which are presently located within any portion of the Easement. Any such utility shall have the continued right to locate, maintain, repair, reconstruct, preserve or relocate improvements, facilities, equipment or lines in such portion of the Easement.

**Section III.** The City Council hereby finds and determines that the abandonment of the Easement is in the public interest of the City of Plano, Texas, and its citizens, and will inure to the benefit of the public generally.

**Section IV.** This Ordinance shall become effective immediately upon its passage.

**DULY PASSED AND APPROVED** this the 12<sup>th</sup> day of August, 2013.

\_\_\_\_\_  
Harry LaRosiliere, MAYOR

ATTEST:

\_\_\_\_\_  
Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

\_\_\_\_\_  
Diane C. Wetherbee, CITY ATTORNEY

**EXHIBIT A  
LEGAL DESCRIPTION  
DRAINAGE EASEMENT ABANDONMENT  
0.806 ACRE**

**BEING** a tract of land situated in the Samuel Brown Survey, Abstract No. 108, City of Plano, Collin County, Texas and being part of a of land described as Tract 1C in Special Warranty Deed to West Plano Land Company, LP, recorded in Instrument No. 20060920001358250, Land Records of Collin County, Texas, being part of the Drainage Easement recorded in Instrument No. 20060719001009210, Land Records of Collin County, Texas and being more particularly described as follows:

**COMMENCING** at a 5/8" iron rod found at the westernmost end of a right-of-way corner clip at the intersection of the northeast right-of-way line of Dominion Parkway (a 92-foot wide right-of-way) and the northwest line of Lot 4, Block 1 of Village at 121 Addition, an addition to the City of Plano according to the plat thereof recorded in Volume 2008, Page 221 of the Map Records of Collin County, Texas;

**THENCE** with said northeast right-of-way line of Dominion Parkway, the following courses and distances:

North 23°29'25" West, a distance of 129.44 feet to a 5/8" iron rod with plastic cap stamped "KHA" found at the beginning of a tangent curve to the left having a central angle of 03°09'08", a radius of 896.00 feet, a chord bearing and distance of North 25°03'59" West, 49.29 feet;

In a northwesterly direction, with said curve to the left, an arc distance of 49.29 feet to the **POINT OF BEGINNING** and for the beginning of a curve to the left having a radius of 896.00 feet, a central angle of 3°50'37", a chord bearing and distance of North 28°33'51" West, 60.10 feet;

**THENCE** northwesterly, continuing with said northeast right-of-way line, and with said curve, an arc distance 30.11 feet to a point for corner;

**THENCE** leaving the northeast right-of-way line of Dominion Parkway and with the north line of said easement, North 64°39'48" East, a distance of 613.10 feet to a point for corner in the west line of said Lot 4;

**THENCE** with said west line, the following courses and distances to wit:

South 15°05'05" West, a distance of 73.48 feet to a point he beginning of a tangent curve to the right having a central angle of 00°30'41", a radius of 600.00 feet, a chord bearing and distance of South 15°20'25" West, 5.35 feet;

In a southwesterly direction, with said curve to the left, an arc distance of 5.35 feet to a point in the south line of said easement;

**THENCE** with said south line, South 64°39'48" West, a distance of 558.58 feet to the **POINT OF BEGINNING** and containing 0.806 acre of land.

The bearings for this survey are based on the plat of The Village at Stonebriar, an addition to the City of Plano, Texas according to the plat recorded in Volume 2007, Page 511, Map Records of Collin County, Texas.

Dana Brown  
Registered Professional Land Surveyor No. 5336  
Kimley-Horn and Associates, Inc.  
12750 Merit Drive, Suite 1000  
Dallas, Texas 75251  
Ph. 972-770-1300  
dana.brown@kimley-horn.com



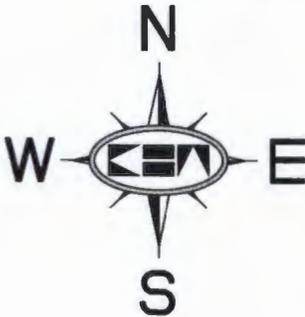
**DRAINAGE EASEMENT  
ABANDONMENT  
SAMUEL BROWN SURVEY  
ABSTRACT NO. 108  
CITY OF PLANO  
COLLIN COUNTY, TEXAS**

		<b>Kimley-Horn and Associates, Inc.</b>			
		12750 Merit Drive, Suite 1000 Dallas, Texas 75251			
		Tel. No. (972) 770-1300 Fax No. (972) 239-3820			
Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
	DAB	SRD	JUNE 2013	063488607	1 OF 1

LOT 2R, BLOCK A  
 THE VILLAGE AT STONEBRIAR  
 VOL. 2007, PG. 511  
 M.R.C.C.T.

15' SANITARY SEWER EASEMENT  
 INST. NO. 20060719001009200  
 L.R.C.C.T.

20' DRAINAGE EASEMENT  
 INST. NO. 20070724001019840  
 INST. NO. 20070718000991830  
 L.R.C.C.T.



TRACT 1C  
 WEST PLANO LAND COMPANY, LP  
 INST. NO. 20060920001358250  
 L.R.C.C.T.

$\Delta=0^{\circ}30'41''$   
 $R=600.00'$   
 $L=5.35'$   
 $CB=S15^{\circ}20'25''W$   
 $C=5.35'$

IRSC "KHA"  
 (5/8" IRFC S 44° 22' W 0.4')

152.29'

73.48'  
 $S15^{\circ}05'05''W$

$\Delta=3^{\circ}50'37''$   
 $R=896.00'$   
 $L=60.11'$   
 $CB=N28^{\circ}33'51''W$   
 $C=60.10'$

TEMP. DRAINAGE EASEMENT  
 INST. NO. 20060719001009210  
 L.R.C.C.T.

VARIABLE WIDTH FIRELANE,  
 ACCESS & UTILITY  
 EASEMENT  
 VOL. 2008, PG. 29  
 M.R.C.C.T.

P.O.B.

$\Delta=3^{\circ}09'08''$   
 $R=896.00'$   
 $L=49.29'$   
 $CB=N25^{\circ}03'59''W$   
 $C=49.29'$

LOT 4, BLOCK 1  
 VILLAGE AT 121 ADDITION  
 INST. NO. 20080409010001370  
 VOL. 2008, PG. 221  
 M.R.C.C.T.

DOMINION PARKWAY  
 (92' R.O.W.)

P.O.C.

$N23^{\circ}29'25''W$   
 129.44'

EXHIBIT A  
 DRAINAGE EASEMENT  
 ABANDONMENT  
 SAMUEL BROWN SURVEY  
 ABSTRACT NO. 108  
 CITY OF PLANO, COLLIN COUNTY, TEXAS



Kimley-Horn  
 and Associates, Inc.

12750 Merit Drive, Suite 1000  
 Dallas, Texas 75251

Tel. No. (972) 770-1300  
 Fax No. (972) 239-3820

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 100'	DAB	SRD	JUNE 2013	063486607	1 OF 1

## EXHIBIT "B"

### PETITION FOR ABANDONMENT

[For Easement Abandonment]

We, the undersigned, (hereinafter "Owners"), being all of the owners of real property abutting Drainage Easement Instrument No. 20060719001009210 L.R.C.C.T., (hereinafter called "Easement"), more particularly described by metes and bounds in the field note description attached hereto and incorporated herein as **Exhibit "A"** do hereby request that the City of Plano, Texas (called "City") abandon the Easement.

1. The Owners are requesting the abandonment of the Easement for the following reasons:

**No drainage flows through the Easement.**

2. The following public interest will be served as a result of the abandonment:

**Easement property will be utilized for commercial development.**

3. Unless the City determines that this abandonment is exempt from payment of fair market value, the Owners agree to pay to the City the fair market value of the Easement as determined by an appraisal obtained by the City (called "Price"). The appraisal shall be conclusive as to the fair market value. The Owners shall reimburse the City for the cost of the appraisal and other costs incident to the abandonment (called "Costs"). The Price and Costs shall be paid to the City prior to the abandonment. Should the Plano City Council decide not to abandon the Easement, the Price shall be returned to the Owners, but the Costs shall be retained by the City. Each Owner's share of the Price and Costs shall be in the same proportion as their abutting ownership as hereinafter defined.

4. ~~If the Owners are providing a replacement easement for the Easement requested to be abandoned herein, Owners will attach a metes and bounds description or plat identifying the replacement easement and attach same to this Petition as Exhibit "B-1".~~ **N/A**

5. The Owners hereby represent and affirm to the City that no other property owner, lessee, tenant or easement or license holder uses the Easement to access or to serve their property.

6. **The Owners further agree to release, defend, indemnify and hold the City, its officers, agents and employees harmless from and against any and all claims, losses, demands, suits, judgments and costs, including reasonable and necessary attorney's fees and expenses, arising out of, related to or resulting from the abandonment of the Easement by City.**

7. The Owners understand and agree that the abandonment is in the sole discretion of the Plano City Council. The Owners also understand and agree that the Easement will be abandoned to them in proportion to their abutting ownership. The abutting ownership will be determined by the number of linear feet of frontage adjacent to the Easement owned by each property owner. Based on the foregoing, the Owners hereby represent and affirm that they have searched the public land records and determined that the abutting ownership is in the following proportions:

100%

8. ~~Owners shall also prepare a map or drawing showing the Easement to be abandoned along with a designation of all abutting property owners. This map or drawing shall be attached hereto and incorporated herein as Exhibit "C-1".~~ N/A
9. ~~Owners shall also prepare a separate field note description for each portion of the Easement to be released to each abutting property owner. This description shall be attached hereto and incorporated herein as Exhibit "D-1".~~ N/A

[Remainder of page blank]

10. The undersigned officers and/or agents of the Owners hereby represent and affirm that they have the necessary authority to execute this Petition for Abandonment on behalf of the Owners.

By: West Plano Land Company, L.P.  
a Delaware limited partnership

By: West Plano Land Company – GP, LLC,  
a Delaware limited liability company,  
its General Partner

\_\_\_\_\_  
**Typed Name of Owner**

2100 McKinney Avenue, Suite 800

\_\_\_\_\_  
**Address**

Dallas, TX 75201

\_\_\_\_\_  
**City, State and Zip**

By: Mark C. Allyn, President

Dated: 7/22/2013

  
\_\_\_\_\_  
**Signature of Owner**

**Contact Person for Property Owners:**

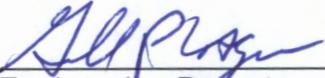
**Name:** Mark Lewis

**Phone No:** 214-863-4277

**FOR DEPARTMENTAL USE ONLY**

The Easement to be abandoned is to one or more abutting property owners and is exempt from the requirement that fair market value be paid for the following reason(s):

- The Easement consists of narrow strips of land, or land that because of its shape, lack of access to public roads, or small area cannot be used independently under its current zoning or under applicable subdivision or other development code ordinances;
- The Easement consists of streets or alleys, owned in fee or used by easement;
- The Easement consists of land or a real property interest originally acquired for streets, rights-of-way, or easements that the City of Plano has decided to exchange with Owner for other land to be dedicated and used for streets, rights of way, easements, or other public purposes, including transactions partly for cash;
- The Easement contains land that the City wants to have developed by an independent foundation;
- The Easement is located within a reinvestment zone designated by law that the City desires to have developed under a project plan adopted by the municipality for the zone.

  
\_\_\_\_\_  
Engineering Department  
City of Plano, Texas